

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Stamm et al

Application No. 10/665,519 Group Art Unit: 1615

Filed: September 22, 2003 Examiner: Sheikh

For: Fenofibrate Compositions

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Information Disclosure Statement

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449 Form. A copy of the Non Patent Literature Documents and the Foreign Patent Documents is attached hereto.

The submission of this Information Disclosure Statement does not represent that a search has been made and does not constitute an admission that the listed documents, oppositions and/or litigations are material to patentability or that the listed documents are prior art.

This Information Disclosure Statement is being filed after the mailing date of a first office action on the merits, but before a final office action or a notice of allowance. Accordingly, the Commissioner is authorized to charge the fee of \$180 to Deposit Account No. 22-0261. The Commissioner is authorized to charge any other necessary fees or credit any overpayments to Deposit Account No. 22-0261.

Applicants respectfully request that the PTO return an initialed copy of the PTO-1449 Form with the next communication from the Office.

Respectfully submitted,

Edward D. Grieff Registration No. 38,898

D. 38,898 06/21/2006 MBEYENE1 00000040 220261 10665519

92 FC:1896 180.00 DA

Date: June 19, 2006 Venable LLP 575 7th Street, NW

Washington, DC 20004 Phone: 202-344-4382

PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

665.519

September 22, 2003

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE to Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Filing Date

Application Number

ostitute for form 1449/PTO

THOEM!

Sheet

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

of 2

First Named Inventor	Stamm
Art Unit	1615
Examiner Name	Sheikh

Complete if Known

Attorney Docket Number 224619

				DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number Number-Kind Code ^{2 (f known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		^{US-} 6,248,355	06-19-2001	Seth	
		^{US-} 6,159,499	12-12-2000	Seth	
		^{US-} 6,207,198	03-27-2001	Seth	
		^{US-} 4,717,569	01-05-1988	Harrison et al	
		^{US-} 5,783,215	07-21-1998	Arwidson et al	
	_	US-			
		US-			
•		US-			
-		US-			
		US-			

		FOREIC	GN PATENT DOCL	JMENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	т6
		Country Code ³ "Number ⁴ "Kind Code ⁵ (if known)	MM-DD-YYYY		Or Relevant Figures Appear	<u>L'</u>
		WO 96/01621	01-25-1996	Astra Aktiebolag		
ļ						

Examiner	Date	
Signature	Considered	
J.J		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the senal number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/08B (07-05)

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

for form 1449/PTO

Sheet

(Use as many sheets as necessary)

2

Complete in Comm			
Application Number	10 665 519 September 22, 2003		
Filing Date	September 22, 2003		
First Named Inventor	Stamm		
Art Unit	1615		
Examiner Name	Sheikh		
Attorney Docket Number	234619		

		NON PATENT LITERATURE DOCUMENTS	·
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Opposition to European Patent No. 1 273 293 filed 9-2-2005 by Ethypharm. (English Language Translation)	1
		Laboratoires S.M.B. S.A. Report pages 1-4 (undated)	
		Report from Pr. Rosset entitled "La biodisponibilite du fenofibrate et les polymeres hydrophiles," Pages 1-20 (March 1, 2005)	

Examiner	Date	
Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.